

**TWENTY-THIRD DAY.**

(Wednesday, February 17, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Pace.

The roll was called, and the following Senators were present:

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

The following Senators were absent and excused:

Spears.	Weinert.
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A quorum was announced present.

The invocation was offered by the Chaplain.

The reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Davis.

**Leaves of Absence Granted.**

Senator Weinert was granted leave of absence for today, on account of illness, on motion of Senator Roberts.

Senator Spears was granted leave of absence for today, on account of important business, on motion of Senator Lemens.

**Reports of Standing Committees.**

Reports on Senate Bills Nos. 9, 104, 260, 258, 268, 263, 247, 272, 270, 15, 80, 62, 103, 20, 6, 5, 189, 278, 166, 7, 63, 100, 64, 208, 269 and 207 and on House Concurrent Resolutions Nos. 19, 16, 30, 32, 34 and 10, were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

**Senate Bills on First Reading.**

The following Senate Bills were introduced, read first time, and re-

ferred by the President Pro Tempore to appropriate committees as indicated:

By Senator Hill:

S. B. No. 274, A bill to be entitled "An Act granting permission to the State Superintendent of Public Instruction and to the State Board of Education to use a sum not to exceed One Hundred and Fifty Thousand (\$150,000.00) Dollars of the amount appropriated in the Equalization Bill, same being H. B. No. 327, Regular Session, Forty-fourth Legislature for the year 1936 and 1937, in the payment of approved claims for high school tuition of certain school districts in order to bring all payments to eighty-seven (87%) per cent for the year 1935 and 1936; and granting to the State Board of Education all necessary authority to make said transferred payments to said school district; and declaring an emergency."

Referred to Committee on Finance.

By Senator Isbell:

S. B. No. 275, A bill to be entitled "An Act amending Article 2544, Revised Civil Statutes of Texas, 1925, Article 2545, Revised Civil Statutes of Texas, 1925, Article 2546, Revised Civil Statutes of Texas, 1925, Article 2547, Revised Civil Statutes of Texas, 1925, as amended by Chapter 129, Acts Fortieth Legislature, as amended by Chapter 11, Acts Forty-first Legislature, as amended by Chapter 19, Acts Forty-third Legislature, as amended by Chapter 66, Acts Forty-third Legislature; Article 2548, Revised Civil Statutes of Texas, 1925, Article 2549, Revised Civil Statutes of Texas, 1925, as amended by Chapter 201, Acts Forty-third Legislature; Article 2550, Revised Civil Statutes of Texas, 1925, as amended by Chapter 152, Acts Forty-fourth Legislature; Article 2551, Revised Civil Statutes of Texas, 1925, Article 2552, Revised Civil Statutes of Texas, 1925, Article 2553, Revised Civil Statutes of Texas, 1925, Article 2554, Revised Civil Statutes of Texas, 1925, Article 2555, Revised Civil Statutes of Texas, 1925, Article 2556, Revised Civil Statutes of Texas, 1925, Article 2557, Revised Civil Statutes of Texas, 1925, Article 2558, Revised

Civil Statutes of Texas, 1925, as amended by Chapter 89, Acts Forty-third Legislature; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Chapter 14, Acts Fourth Called Session, Forty-first Legislature; Article 2559, Revised Civil Statutes of Texas, 1925, as amended by Chapter 9, Acts First Called Session, Forty-second Legislature; Article 2560, Revised Civil Statutes of Texas, 1925, as amended by Chapter 9, Acts First Called Session, Forty-second Legislature, Article 2561, Revised Civil Statutes of Texas, 1925, Article 2562, Revised Civil Statutes of Texas, 1925, Article 2563, Revised Civil Statutes of Texas, 1925, Article 2564, Revised Civil Statutes of Texas, 1925, Article 2565, Revised Civil Statutes of Texas, 1925, Article 2566, Revised Civil Statutes of Texas, 1925, relating to interest; and declaring an emergency."

Referred to Committee on Banking.

By Senator Burns:

S. B. No. 276, A bill to be entitled "An Act granting aid to San Jacinto, Polk, Trinity, Houston, and Walker Counties, Texas, made necessary by reason of the fact that the Federal Government has purchased in said counties practically fifty per cent (50%) of the land in said counties, thereby taking off the tax rolls so much valuation that said counties can not operate a county government, and has caused great destruction to the roads and other improvements in said counties, remitting, releasing, granting, and donating to said counties all State ad valorem taxes and occupational taxes levied or to be levied on property in said counties including the rolling stock of railroads for the years 1937-1942, both inclusive; providing that all grants, remissions, and donations shall apply to taxes collected for State General Revenue purposes only; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Brownlee:

S. B. No. 277, A bill to be entitled "An Act making an emergency appropriation to pay court costs ac-

rued in the case of State of Texas versus Atlantic Oil Producing Company, et al. No. 53453, which case was tried in the District Court of Travis County and is now on appeal in the Court of Civil Appeals, and declaring an emergency."

Referred to Committee on Finance.

By Senator Moore:

S. B. No. 278, A bill to be entitled "An Act authorizing the State Board of Control to transfer to Harris County, Texas, the title held by the State of Texas, in certain lands situated within the boundaries of the San Jacinto State Park to be used as a right-of-way for road purposes within said park, in exchange for certain land owned by Harris County, Texas, within the boundaries of said park and now used for road purposes therein, and authorizing the State Board of Control to execute a quit claim deed conveying the State's title to said land for right-of-way purposes for the construction and maintenance of a road within the boundaries of said park, and validating the proceedings of the Commissioners' Court of Harris County, Texas, and the execution of the deed of conveyance of said property by the County Judge of Harris County, Texas, in consummating this exchange of land, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Woodruff:

S. B. No. 279, A bill to be entitled "An Act making it an offense for any person, agent of any association of persons or any corporation to engage or assist in pool selling or bookmaking on any dog race in this State, or to take or accept any bet or aid any other person in betting, taking or accepting any bet upon any dog race to be run in this State; and providing that no owner, agent or lessee of any property in this State shall permit the same to be used as a place for selling pools or bookmaking or wagering or receiving or assisting any person in placing any bet or offer to bet any thing of value on any dog race to be run in this State; providing for a penalty for violating this Act; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Newton:

S. B. No. 280, A bill to be entitled "An Act amending Article 3293 of the Revised Civil Statutes, 1925, providing the venue in probate cases and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Newton:

S. B. No. 281, A bill to be entitled "An Act providing for the appointment of a commission to revise and digest the General Laws of Texas, defining their powers and duties and fixing the compensation of said commission, directing the commission to embody the revision and their report in the form of bills for adoption by the Legislature, authorizing the publication of the bills and making appropriations for the purpose set forth in this Act, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Oneal:

S. B. No. 282, A bill to be entitled "An Act to amend Article 7256, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 16, Acts of the First Called Session of the Forty-third Legislature, so as to provide that in counties having a population of seventy thousand (70,000) or more and less than seventy-seven thousand (77,000), according to the last Federal Census, and containing one or more cities or towns other than the county seat, which has in excess of one thousand (1,000) inhabitants, according to the last Federal Census, the assessor and collector of taxes, with the consent and approval of the commissioners' court, may appoint a deputy tax collector in each such county; and defining the duties of such deputies; and providing for the salaries of such deputies; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Oneal:

S. B. No. 283, A bill to be entitled "An Act to amend Section 1 of Chapter 127, Acts Regular Session, Forty-second Legislature, providing for the refunding of license fees paid on

motor vehicles which are subsequently destroyed or demolished; defining a destroyed or demolished motor vehicle for the purpose of this Act; providing that where a refund has been made under the provisions of this Act for a demolished or destroyed motor vehicle, such motor vehicle shall not again be operated and used upon the highways of this State; prescribing a penalty for violation of the provision against use of such vehicles, and declaring an emergency."

Referred to Committee on State Affairs.

### Senate Resolution No. 33.

Senator Woodruff offered the following resolution:

Be It Resolved, That the Senate Committee on Contingent Expense be, and is, hereby authorized and directed to pay Essie McGinnis and Martha Turner \$270.00 and \$180.00 respectively, for 36 days extra services in preparation of the Senate Journal of the Third Called Session, Forty-fourth Legislature for publication.

The resolution was read.

(Senator Van Zandt in the Chair.)

Senator Moore offered the following amendment to the resolution:

Amend S. R. No. 33 by adding: and further that Helbert King be paid \$10.00 for work making copies of Omnibus Tax Bill.

MOORE,  
REDDITT.

The amendment was adopted.

The resolution as amended was adopted.

### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 17, 1937.  
Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

S. B. No. 188, A bill to be entitled "An Act validating and legalizing bonds issued by counties for the construction of roads within such counties and the levy of taxes for payment of such county bonds; author-

izing the assessment and collection of general ad valorem taxes in all such counties for the payment of such county bonds now outstanding or hereafter issued; and declaring an emergency."

(With amendments.)

H. C. R. No. 36, Authorizing the Enrolling Clerk of the House to correct the caption of H. B. No. 89 to conform to the body of the bill.

H. C. R. No. 31, encouraging the use of cotton mats in the construction of highways.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 10 on Second Reading.

(Special Order.)

The Presiding Officer laid before the Senate, as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 10, A bill to be entitled "An Act to fix the salaries of the judges of the various district courts and of the criminal district courts of this State; repealing that portion of Section 1 of H. B. No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature which fixes the salaries of said judges, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill No. 10 on Third Reading.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Brownlee.	Neal.
Burns.	Nelson.
Collie.	Newton.
Cotten.	Oneal.
Davis.	Pace.
Head.	Rawlings.
Hill.	Redditt.
Holbrook.	Roberts.
Isbell.	Shivers.
Lemens.	Small.
Moore.	Stone.

Van Zandt.  
Winfield.

Woodruff.

Nays—4.

Aikin.	Sulak.
Beck.	Westerfeld.

Absent—Excused.

Spears. Weinert.

The Presiding Officer then laid H. B. No. 10 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23.

Brownlee.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Van Zandt.
Lemens.	Winfield.
Moore.	Woodruff.
Neal.	

Nays—5.

Beck.	Sulak.
Newton.	Westerfeld.
Stone.	

Absent—Excused.

Spears.

Paired.

Senator Aikin (present), who would vote nay; with Senator Weinert (absent), who would vote yea.

#### Bill Signed.

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill:

H. B. No. 10, "An Act to fix the salaries of the judges of the various District Courts and of the Criminal District Courts of this State; repealing that portion of Section 1, Chapter 355, of the Acts of the Regular Session of the 44th Legislature, which fixes the salaries of said judges, etc."

#### Executive Session.

At 10:43 o'clock a. m., Senator Oneal asked unanimous consent of

the Senate that the hour of 10:44 o'clock a. m. today be set as the time for the Senate to go into executive session to consider certain nominations submitted by the Governor.

There was no objection offered.

Accordingly, at the hour of 10:44 o'clock a. m., the Presiding Officer ordered the floor of the Senate Chamber cleared of all persons not entitled to attend the executive session and he ordered the doors leading from the Chamber closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following reports of the Committee on Nominations of the Governor had been adopted by the Senate in executive session:

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointment, have had same under consideration, and I, as chairman of said committee, am instructed to report same back to the Senate with the recommendation that it be in all things confirmed.

To be State Auditor and Efficiency Expert:

Tom C. King, of Dallas, Dallas County.

ONEAL, Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1937.  
Hon. Will D. Pace, President Pro Tempore of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointment, have had same under consideration, and I, as chairman of said committee, am instructed to report same back to the Senate with the recommendation that it be in all things confirmed:

To be Chairman and Executive Director of the Unemployment Compensation Commission:

Orville S. Carpenter, of Austin, Travis County, to succeed R. B. Anderson, resigned.

ONEAL, Chairman.

At 10:50 o'clock a. m., the Senate was called to order, as in legislative session, by the Presiding Officer (Senator Van Zandt in the Chair).

#### House Bill No. 9.

Senator Collie moved that the rule relating to the consideration and passage of bills during the earlier days of the Regular Session of the Legislature be suspended to allow consideration and passage by the Senate of H. B. No. 9 during the first 60 days of the present session.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

Nays—1.

Woodruff.

Absent.

Burns.

Absent—Excused.

Spears.

Weinert.

Senator Collie moved that H. B. No. 9, relating to proration of oil production, be set as a special order for tomorrow immediately after conclusion of the morning call.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	

## Nays—2.

Hill. Woodruff.

Absent—Excused.

Spears. Weinert.

## Senate Bill No. 214.

Senator Oneal moved that S. B. No. 214 be set as a special order for next Friday, February 19, 1937, immediately after completion of the morning call on that day.

Senator Shivers moved as a substitute that S. B. No. 214 be set as a special order for next Tuesday, February 23, immediately after completion of the morning call.

(President Pro Tempore in the Chair.)

Question first recurring on the motion of Senator Shivers, it was lost by the following vote:

## Yeas—9.

Beck. Shivers.  
Burns. Small.  
Cotten. Van Zandt.  
Lemens. Westerfeld.  
Pace.

## Nays—20.

Aikin. Nelson.  
Brownlee. Newton.  
Collie. Oneal.  
Davis. Rawlings.  
Head. Redditt.  
Hill. Roberts.  
Holbrook. Stone.  
Isbell. Sulak.  
Moore. Winfield.  
Neal. Woodruff.

Absent—Excused.

Spears. Weinert.

Question next recurring on the motion of Senator Oneal, it prevailed by the following vote:

## Yeas—24.

Aikin. Isbell.  
Brownlee. Moore.  
Burns. Neal.  
Collie. Nelson.  
Cotten. Newton.  
Davis. Oneal.  
Head. Rawlings.  
Hill. Redditt.  
Holbrook. Roberts.

Small. Van Zandt.  
Stone. Winfield.  
Sulak. Woodruff.

## Nays—5.

Beck. Shivers.  
Lemens. Westerfeld.  
Pace.

Absent—Excused.

Spears. Weinert.

## Senate Bill No. 260.

Senator Rawlings moved that Senate Rule No. 106 be suspended to allow consideration by the Senate of S. B. No. 260 during the first 60 days of the Regular Session of the Legislature.

The motion prevailed by the following vote:

## Yeas—29.

Aikin. Newton.  
Beck. Oneal.  
Brownlee. Pace.  
Burns. Rawlings.  
Collie. Redditt.  
Cotten. Roberts.  
Davis. Shivers.  
Head. Small.  
Hill. Stone.  
Holbrook. Sulak.  
Isbell. Van Zandt.  
Lemens. Westerfeld.  
Moore. Winfield.  
Neal. Woodruff.  
Nelson.

Absent—Excused.

Spears. Weinert.

Senator Rawlings moved that S. B. No. 260 be set as a special order for next Friday, February 19, 1937, immediately after disposal of S. B. No. 214, previously set as a special order for that day.

The motion prevailed by the following vote:

## Yeas—29.

Aikin. Holbrook.  
Beck. Isbell.  
Brownlee. Lemens.  
Burns. Moore.  
Collie. Neal.  
Cotten. Nelson.  
Davis. Newton.  
Head. Oneal.  
Hill. Pace.

Rawlings. Sulak.  
 Redditt. Van Zandt.  
 Roberts. Westerfeld.  
 Shivers. Winfield.  
 Small. Woodruff.  
 Stone.

Absent—Excused.

Spears. Weinert.

#### Additional Signer of Bill.

Senator Lemens asked unanimous consent of the Senate that his name be added to S. B. No. 260 as a signer thereof.

There was no objection offered, and it was so ordered.

#### Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
 Austin, Texas, Feb. 17, 1937.  
 Hon. Will D. Pace, President Pro  
 Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 22. A bill to be entitled "An Act to amend Chapter 3 of the Acts of the Regular Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Galveston in elevating and raising said City so as to protect it from calamitous overflows by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston County for a period of ten years, and to provide a penalty for their misapplication,' by extending the provision of said Act for a period of five years from September 1, 1938, and declaring an emergency."

S. C. R. No. 31, Inviting Hon. Harold L. Ickes, Secretary of the Interior, to address a Joint Session of the House and Senate Friday, February 19, 1937 at 8 o'clock p. m.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
 Chief Clerk, House of Representatives.

#### House Concurrent Resolution Referred.

The following concurrent resolution, received from the House today, was laid before the Senate, read

and referred by the President Pro Tempore to the appropriate committee, as follows:

H. C. R. No. 31, to Committee on State Affairs.

#### House Concurrent Resolution No. 36.

On motion of Senator Van Zandt and by unanimous consent, the rule requiring concurrent resolutions to be referred to a committee was suspended to permit consideration at this time of H. C. R. No. 36, authorizing correction of H. B. No. 89.

The President Pro Tempore laid the resolution before the Senate, it was read and was adopted.

#### Senate Bill No. 188 With House Amendments.

Senator Hill called up S. B. No. 188 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate, and the House amendments were read.

Senator Hill moved that the Senate concur in the House amendments.

The motion to concur prevailed by the following vote:

Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Spears. Weinert.

#### Senate Bill No. 47.

Senator Cotten moved that Senate Rule No. 106 be suspended, to permit consideration and passage by the Senate of S. B. No. 47 during the first 60 days of the Regular Session of the Legislature.

The motion prevailed by the following vote:

## Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

## Absent—Excused.

Weinert. Spears.

Senator Cotten moved that S. B. No. 47, establishing a teachers' retirement system, be set as a special order for March 5, 1937, immediately after the conclusion of the morning call on that day.

The motion prevailed by the following vote:

## Yeas—29.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

## Absent—Excused.

Spears. Weinert.

## Senate Resolution No. 32.

Senator Westerfeld, by unanimous consent, offered the following resolution:

Whereas, Hon. Harold L. Ickes, Secretary of the Interior of the United States, and Federal Emergency Administrator of Public Works, has been invited to address the Texas Legislature in joint session; and

Whereas, The people of Texas are more largely interested in oil and gas than any other State in the Union; now, therefore, be it

Resolved, That we express the hope that, if agreeable to the Secretary of the Interior, he will discuss the subject of oil and gas conservation on the occasion of said address to the Texas Legislature.

The resolution was read.

On motion of Senator Brownlee, the resolution was tabled.

## House Bill on First Reading.

H. B. No. 22, received from the House today, was laid before the Senate, read first time and referred by the President Pro Tempore to the Committee on State Affairs.

## Adjournment.

Senator Lemens moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Senator Woodruff moved that the Senate recess to 10 o'clock a. m. tomorrow.

The motion to adjourn prevailed; and the Senate accordingly, at 12:20 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## APPENDIX.

## Reports of Standing Committees.

(Majority Report.)

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 166, A bill to be entitled "An Act regulating the practice of submitting special issues in trial of civil cases in the district and county court, and declaring an emergency."

Have had the same under consideration, and I am instructed to report port it back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.



(Minority Report.)

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, a minority of your  
Committee on Civil Jurisprudence,  
to whom was referred

S. B. No. 166, A bill to be entitled  
"An Act regulating the practice of  
submitting special issues in trial of  
civil cases in the district and county  
court, and declaring an emergency."

Have had the same under consid-  
eration, and beg to differ with the  
majority and to report it back to  
the Senate with the recommenda-  
tion that it do pass and be printed.

HILL,  
SHIVERS,  
NELSON.

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on  
Civil Jurisprudence, to whom was  
referred

S. B. No. 207, A bill to be entitled  
"An Act defining the phrase, 'Served  
by the sheriff to appear and report  
for jury service,' as used in Article  
2101 of Chapter 7, Title 42, Revised  
Statutes, 1925, etc., and declaring an  
emergency."

Have had the same under consid-  
eration, and I am instructed to report  
it back to the Senate with the recom-  
mendation that it do pass and be  
printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Civil  
Jurisprudence, to whom was referred

S. B. No. 269, A bill to be entitled  
"An Act to amend Article 6699, Re-  
vised Civil Statutes of Texas, 1925,  
so as to provide that the two addi-  
tional deputies known as traffic of-  
ficers shall have the same right and  
duty to arrest violators of laws that  
other deputy sheriffs have, and de-  
claring an emergency."

Have had the same under consid-  
eration, and I am instructed to report  
it back to the Senate with the recom-  
mendation that it do pass and be  
printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on  
Civil Jurisprudence, to whom was re-  
ferred

S. B. No. 208, A bill to be entitled  
"An Act providing that the sheriff  
may summons jurors in capital cases  
in counties having a city with a pop-  
ulation of twenty thousand (20,000)  
or more, etc., and declaring an emer-  
gency."

Have had the same under consid-  
eration, and I am instructed to report  
it back to the Senate with the recom-  
mendation that it do pass and be  
printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Civil  
Jurisprudence, to whom was referred

S. B. No. 64, A bill to be entitled  
"An Act to amend Title 130 of the  
Revised Civil Statutes of 1925, as  
amended, so as to protect the  
claimant or beneficiary of Work-  
men's Compensation Insurance, etc.,  
and declaring an emergency."

Have had the same under consid-  
eration, and I am instructed to report  
it back to the Senate with the recom-  
mendation that it do pass and be  
printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Civil  
Jurisprudence, to whom was referred

S. B. No. 100, A bill to be entitled  
"An Act to amend Article 1302,  
Chapter 1, Title 32, of the Revised  
Civil Statutes of 1925, by adding  
thereto Section 99, so as to provide  
for the creation of private corpora-  
tions for the purpose of producing,  
mining, manufacturing, buying and  
selling of building materials of all  
kinds."

Have had the same under consid-  
eration, and I am instructed to report  
it back to the Senate with the recom-  
mendation that it do pass and be  
printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 63, A bill to be entitled "An Act to amend Article 1315 of the Revised Civil Statutes of Texas of 1925 so as to authorize any private corporation organized under Title 32 of said Revised Statutes to extend its charter, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 7, A bill to be entitled "An Act to provide for the repeal of that Section of Article 5420 of the Revised Civil Statutes of the State of Texas, 1925, giving the State the right to file land suits in Travis County instead of the county where the land is situated, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 278, A bill to be entitled "An Act authorizing the State Board of Control to transfer to Harris County, Texas, the title held by the State of Texas in certain lands situated within the boundaries of the San Jacinto State Park to be used as a right-of-way for road purposes within said park, in exchange for certain land owned by Harris County, Texas, within the boundaries of said park and now used for road purposes therein, and authorizing the State Board of Control to execute a

quit claim deed conveying the State's title to said land for right-of-way purposes for the construction and maintenance of a road within the boundaries of said park, and validating the proceedings of the Commissioners' Court of Harris County, Texas, and the execution of the deed of conveyance of said property by the County Judge of Harris County, Texas, in consummating this exchange of land, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 189, A bill to be entitled "An Act amending Subsection 62, Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, revision; and to rearrange, and recreate the 62nd Judicial District of Texas, to rearrange, change and prescribe the terms of holding District Court in the 62nd Judicial District, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 104, A bill to be entitled "An Act to amend Section 9, Chapter 22, of the Acts of the Fortieth Legislature, Regular Session, H. B. No. 80, creating the County Courts at Law of Bexar County, Texas, by providing, by this Act, that the Judges of said Courts may exchange benches and sit and act for and with each other in any case, matter or proceeding now or hereafter pending in said Courts; also an Act to amend the last amendment of Section 11 of the said Acts of the Fortieth Legislature,

said last amendment of said Section of said Acts having been passed by the Forty-fourth Legislature, Regular Session, being Chapter 309, H. B. No. 344, by providing, by this Act, that neither of the Judges of the two County Courts at Law of Bexar County, Texas, shall be required to give any bond but that they shall take the oath of office prescribed by the Constitution of Texas, also by this Act to increase and fix the annual salaries of said Judges of said Courts, and provide for the payment of such salaries; also an Act to amend Section 14 of the said Acts of the Fortieth Legislature by providing for the appointment and election of special judges of said two County Courts at Law of Bexar County, Texas and fixing and providing for the payment of their compensation; also an Act to amend Sec. 15 of the said Acts of the Fortieth Legislature by providing for seals of said County Courts at Law of Bexar County, Texas, and providing that the County Clerk of Bexar County, Texas, shall be the clerk of said Courts, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 260, A bill to be entitled, "An Act repealing H. B. No. 170, Chapter 91, of the Acts of the First Called Session of the Forty-first Legislature, 1929; and providing for the creation of a Legislative Audit Committee and fixing its duties, and providing for the appointment of a State Auditor by said Legislative Audit Committee; prescribing the qualifications, duties and authority of said State Auditor and fixing his compensation; providing for the necessary assistants for said State Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel and other expense of the office of State Auditor; providing for the removal of State Auditor and his as-

sistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the personnel of said office; and prescribing penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 258, A bill to be entitled "An Act authorizing Jimmie McKee of Parker County, Texas, to file suit against the State of Texas and the State Highway Department for personal injuries sustained while employed by the Highway Department, placing the venue thereof in Travis County, Texas, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 268, A bill to be entitled "An Act to amend Article 1605, Revised Civil Statutes of Texas, 1925, so as to provide that counties having a population of more than Seventy-Four Thousand, according to the last Federal Census, and containing one or more cities or towns, other than the county seat, which has in excess of One Thousand inhabitants, according to the last Federal Census, the assessor and tax collector, with the consent and approval of the commissioners' court, may maintain a branch office and appoint a deputy tax collector from each such town or city to perform the duties of deputy tax collector; and declaring an emergency."

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 263, A bill to be entitled "An Act to provide for the Texas Prison Board, through its general manager, to bid for contracts to supply the State with printing, binding, and supplies of like character and to enter into such contracts with the Board of Control without executing a bond, setting the amount, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 247, A bill to be entitled "An Act amending Sections 1, 4, 5, 6, 7, 9 and 18 of H. B. No. 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session; providing that the Comptroller is authorized to promulgate certain rules and regulations to regulate the sale of cigarettes for movement into States adjoining Texas when such cigarettes have the tax stamps of such adjoining State affixed; requiring salesmen in the employ of manufacturers to keep certain records and deliver invoices; requiring persons soliciting and receiving orders for cigarettes for shipment to points within this State to keep certain records for a limited time; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 272, A bill to be entitled

"An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13, and Section 19, of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, and adding a new Section to be known as Section 17-A, authorizing the Commission to make reciprocal arrangements with other states and the Federal Government with respect to wages earned and benefits accumulated by employees in other states, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 270, A bill to be entitled "An Act to amend Article 3899 of the Revised Statutes of Texas of 1925, as amended by Acts of the Forty-fourth Legislature approved November 15, 1935, so as to add after the words 'Each officer named in this Act, where he receives a salary as compensation for his services, shall be empowered and permitted to purchase and have charged to his county all reasonable expense necessary in the proper and legal conduct of his office' in said Article the words 'including the cost of Surety Bonds for his deputies' and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 15, A bill to be entitled "An Act to provide for a local option election in counties having 10,000 or more cattle, sheep and goats rendered for taxation to determine whether or not the qualified

voters of such county desires to authorize the levy, assessment and collection of an annual tax on cattle, sheep and goats; providing for the method of levying, assessing and collecting such annual tax; and further providing for the deposit of the monies collected from such annual tax in a special fund to be known as 'The Domestic Livestock Protective Fund'; providing authority and requiring the commissioners' court of such county adopting the provisions of this Act to employ additional law enforcement officers, and fixing the compensation of such officers, and the reports to be filed by them; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 80, A bill to be entitled "An Act authorizing and empowering all Water Improvement Districts created and organized under Chapter 2 of Title 128 Revised Civil Statutes of Texas, to levy, assess and collect an annual tax not to exceed Twenty (20) Cents on taxable properties situated in the boundaries of such districts, provided such districts have sold sufficient of its bonds to pay for the obtaining and have obtained by the erection of a dam or dams or otherwise its water supply needed for the purpose of its creation, and have exhausted the moneys obtained from such bond sales, and is unable to obtain revenues for necessary repairs to its properties and to maintain and protect same and to meet any reasonable or necessary contingent or legal expense incurred in behalf of such districts; and to validate all taxes for all of said purposes levied or assessed by any Water Improvement District since the year 1931, when levied and assessed under such circumstances; but providing that the authority to raise such fund by taxation to meet such expense shall cease when available for such circumstances are oth-

erwise reasonably obtainable; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 62, A bill to be entitled "An Act providing that all private corporations which have heretofore been incorporated and are now authorized by their charters and the statutes of this State to operate street and interurban railways with power to distribute and sell gas and electricity to the public and which have heretofore abandoned or discontinued or may hereafter abandon or discontinue the operation of street and interurban railways and substitute motor buses therefor are hereby authorized to continue to distribute and sell electricity and gas during the unexpired period of their corporate charters just as though they continued the operation of said street and interurban railways or motor buses, or both, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 19, Authorizing George H. Guthrie to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 16, Granting Uvalde Construction Company, a private corporation organized under the laws of Texas and domiciled in Dallas County, Texas, permission to sue the State of Texas and the State Highway Commission.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 30, To grant Floyd Arnwine, his heirs, executors and administrators permission to bring suit against the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 32, Granting Mrs. Anna Smith, et al, permission to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 34, Commending the Inter-Fraternity Council of the University of Texas, and the Police Department of the City of Austin.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 10, Giving the consent of the State that the Federal Government purchase lands in Texas for reforestation and other purposes.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 103, A bill to be entitled "An Act amending Article 590 of the Code of Criminal Procedure of the State of Texas, 1925, and providing that the court may set several capital cases on the same day; providing that only one venire shall be drawn for all capital cases set for the same day; providing each defendant shall be furnished a list of the venire for the day his case is set; providing that court may in his discretion excuse the remainder of the venire, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 20, A bill to be entitled "An Act providing that no person shall inherit or take any property either under the laws of descent and distribution or under a will or testament, who as the principal or as an accomplice wilfully brings about the death of the owner of such property, and declaring an emergency."

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 6, A bill to be entitled "An Act to amend Article 1441, Chapter 10, Title 17 of the Penal Code of the State of Texas, 1925, by increasing the maximum penalty for the theft of cattle or hog from four to ten years, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 5, A bill to be entitled "An Act to amend Article 1442, Chapter 10, Title 17 of the Penal Code of the State of Texas, 1925, by increasing the maximum penalty for the theft of sheep or goat from four years to ten years; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Committee Room,  
Austin, Texas, Feb. 16, 1937.  
Hon. Walter F. Woodul, President  
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 9, A bill to be entitled "An Act to amend Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

**In Memory  
of  
Mrs. C. N. Avery**

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(Senate Resolution No. 34.)

Senator Brownlee offered the following resolution:

WHEREAS, It is with deep regret that the Senate learns of the passing of Mrs. C. N. Avery, mother of our Warrant Clerk, Helen Avery, and her loss both to the family and friends is irreparable and we extend our sympathy to the family; now, therefore, be it

RESOLVED, That when the Senate adjourns today that it do so in honor of her memory.

BROWNLEE,  
AIKIN,  
BECK,  
BURNS,  
COLLIE,  
COTTEN,  
DAVIS,  
HEAD,  
HILL,  
HOLBROOK,  
ISBELL,

LEMENS,  
MOORE,  
NEAL,  
NELSON,  
NEWTON,  
ONEAL,  
PACE,  
RAWLINGS,  
REDDITT,  
ROBERTS,  
SHIVERS,

SMALL,  
SPEARS,  
STONE,  
SULAK,  
VAN ZANDT,  
WEINERT,  
WESTERFELD,  
WINFIELD,  
WOODRUFF.

WOODUL, Lieutenant-Governor.

The resolution was adopted unanimously.